

REMARKS

Applicants are filing this Response within the shortened statutory period. Consequently, Applicants believe that no fee is due with this filing; however, if a fee is due please charge Deposit Account No. 502295.

Claims 1-27 were presented for examination. The Office Action dated October 12, 2006 rejects claims 1-27. Applicants herein cancel claims 21-25. Claims 1-20 and 26-27 remain pending in the application.

Paragraph 00010 of the originally-filed specification is amended herein to correct for typographical errors.

Rejection of Claim 21-25 under 35 U.S.C. §101

The Office Action rejects claims 21-25 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants herein cancel claims 21-25 thereby rendering the rejection moot.

Rejection of Claims 1-27 under 35 U.S.C. §103(a)

The Office Action rejects claims 1-2, 4-17, 19-22 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 2003/0172113 to Cameron et al. (hereinafter “Cameron”) in view of US Patent Publication No. 2003/0158866 to Goodwin et al. (hereinafter “Goodwin”). The Office Action rejects claims 3, 18 and 23 under 35 U.S.C. §103(a) as being unpatentable over Cameron in view of Goodwin and U.S. Patent No. 7,092,977 issued to Leung et al.

The following is a quotation of 35 U.S.C. §103(c)(1) which forms the basis for Applicants’ response for all obviousness rejections set forth in the Office Action.

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants submit that Goodwin is disqualified as prior art for purposes of obviousness under 35 U.S.C. §103(c). More specifically, Goodwin and the claimed invention were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to International Business Machines Corporation (IBM) of Armonk, NY. The assignment of Goodwin to IBM is recorded at reel/frame 014320/0007 and the assignment of the subject application to IBM is recorded at reel/frame 015018/0652.

For the reason set forth above, Applicants respectfully request that the rejections to claims 1-27 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the remarks made herein, Applicants submit that the application is in condition for allowance and request early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Respectfully submitted,

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